特許協力条約



REC'D 2 2 JUL 2004

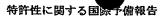
١	٨	/IP	0	PC

特許性に関する国際予備報告 (特許協力条約第二章)

(法第12条、法施行規則第56条) [PCT36条及びPCT規則70]

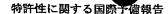
出願人又は代理人 の書類記号 PCT-A0330	今後の手続きについては、様式P(CT/IPEA/416を参照すること。			
国際出願番号 PCT/JP03/10047	国際出願日 (日.月.年) 07.08.200	優先日 (日.月.年) 21.08.2002			
国際特許分類 (IPC) Int. Cl ⁷	A61K31/196, A61P2	21/00			
出願人(氏名又は名称)	キッセイ薬品工業株式会社				
1. この報告書は、PCT35条に基づき 法施行規則第57条(PCT36条)の		と国際予備審査報告である。			
2. この国際予備審査報告は、この表紙を	含めて全部で4	ページからなる。			
3. この報告には次の附属物件も添付される 関係					
	とされた及び/又はこの国際予備9 CT規則70. 16及び実施細則第60	審査機関が認めた訂正を含む明細暋、請求の範 7号参照)			
第 I 欄4. 及び補充欄に示り 国際予備審査機関が認定した		顔の開示の範囲を超えた補正を含むものとこの			
・ b 電子媒体は全部で 配列表に関する補充欄に示す。 ブルを含む。(実施細則第80	うに、コンピュータ読み取り可能 2号参照)	(電子媒体の種類、数を示す)。 な形式による配列表又は配列表に関連するテー			
4. この国際予備審査報告は、次の内容を					
 ▼ I 欄 国際予備審査報告の基礎 第 I 欄 優先権 ※ 第 I 欄 の 優先権 ※ 第 I 欄 新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成 第 IV欄 発明の単一性の欠如 ※ 「第 V 欄 P C T 3 5 条 (2) に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明 第 VI欄 ある種の引用文献 第 VI欄 国際出願の不備 					
□ 第四個 国際出願に対する意見 □ ·					
国際予備審査の請求咨を受理した日	国際予備審査	報告を作成した日			
05.03.2004		01.07.2004			
名称及びあて先 日本国特許庁 (IPEA/JP) 郵便番号100-8915 東京都千代田区領が関三丁目44	#3号	(権限のある職員) 4C 9450 中藤 幸司 3-3581-1101 内線 3452			

第 I 欄 報告の基礎	
1. この国際予備審査報告は、下記に示す場合を除くほか	カ 国際川頤の言語を基本とした
この報告は、	と基礎とした。
■ PCT規則55.2又は55.3にいう国際予備審査	
2. この報告は下記の出願書類を基礎とした。(法第6g た差替え用紙は、この報告において「出願時」とし、この	条(PCT14条)の規定に基づく命令に応答するために提出され D報告に添付していない。)
× 出題時の国際出願書類	•
明細書	
	出願時に提出されたもの 付けで国際予備審査機関が受理したもの
第 ページ*、	一 付けで国際予備審査機関が受理したもの
請求の範囲	
	出願時に提出されたもの
	PCT19条の規定に基づき補正されたもの 付けで国際予備審査機関が受理したもの
第	付けで国際予備審査機関が受理したもの
□ 図面	
第 ページ/図、 第 ページ/図*、	出願時に提出されたもの 付けで国際予備審査機関が受理したもの
第 ページ/図*、	付けで国際予備審査機関が受理したもの
 	i
配列表に関する補充欄を参照すること。	
3. 補正により、下記の書類が削除された。	·
□ 明細沓 第	ページ
開求の範囲 第 図面 第	項 3 (20)
配列表(具体的に記載すること)	ページ/図
配列表に関連するテーブル(具体的に記載す	すること)
4.	こ孫付されかつ以下に示した補正が出願時における開示の範囲を超されなかったものとして作成した。 (PCT規則70.2(c))
□ 明細沓 第	ページ
請求の範囲 第 図面 第	項 ページ/図
配列表(具体的に記載すること)	· · · · · · · · · · · · · · · · · · ·
□ 配列表に関連するテーブル(具体的に記載す	すること)
4.4 17党业中文46人 不不图460年 4	
* 4. に該当する場合、その用紙に "superseded" と記	人されることがある。



国際出願番号 PCT/JP03/10047

第四種
第Ⅲ欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成 、
1. 次に関して、当該請求の範囲に記載されている発明の新規性、進歩性又は産業上の利用可能性につき、次の理由により 審査しない。
国際出願全体
※ 請求の範囲
<u>理</u> 由:
区の国際出願又は請求の範囲 12-19,21-24 は、国際予備審査をすることを要しない 次の事項を内容としている(具体的に記載すること)。
請求の範囲12-19及び21-24は、治療による人体の処置方法に関するも
のであって、PCT第34条(4)(a)(i)及びPCT規則67.1(iv)の規定により、
この国際予備審査機関が国際予備審査を行うことを要しない対象に係るものであ
る。
·
明細書、請求の範囲若しくは図面(次に示す部分)又は請求の範囲の 記載が、不明確であるため、見解を示すことができない(具体的に記載すること)。
•
全部の請求の範囲又は請求の範囲 が、明細書による十分な
裏付けを欠くため、見解を示すことができない。
※ 請求の範囲 12-19, 21-24 について、国際調査報告が作成されていない。
ヌクレオチド又はアミノ酸の配列表が、実施細則の附属事C (塩基配列又はアミノ酸配列を含む明細事等の作成のため
のガイドライン)に定める基準を、次の点で満たしていない。
書面による配列表が
│
所定の基準を満たしていない。
コンピュータ読み取り可能な形式によるヌクレオチド又はアミノ酸の配列表に関連するテーブルが、実施細則の附风啓
Cの2に定める技術的な要件を、次の点で満たしていない。
□ 提出されていない。
□ 所定の技術的な要件を満たしていない。 ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■
·



国際出願番号 PCT/JP03/10047

見解	•		·
新規性(N) ·	請求の範囲 	1-11, 20	
進歩性(IS)	: 請求の範囲 : 請求の範囲	1-11, 20	
産業上の利用可能性 (IA)	請求の範囲 調求の範囲	1-11, 20	:

文献及び説明(PCT規則70.7)

文献1: JP 5-163222 A (キッセイ薬品工業株式会社) 1993.06.29 文献2: JP 59-70654 A (日本レダリー株式会社) 1984.04.21

<請求の範囲1-11、20> 請求の範囲1-11及び20に係る発明は、国際調査報告で引用された何れの文

献にも開示されておらず、新規性及び進歩性を有する。 特に、N-(3,4-ジメトキシシンナモイル)アントラニル酸を有用成分とする 筋肉疲労若しくは筋肉損傷及びそれらに起因する疾患の予防治療用組成物については、最も関連がある先行技術文献であると認められる文献1-2にも開示されてい ない。





PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT-A0330	FOR FURTHER ACT	CION	See Form PCT/IPEA/416				
International application No.	International filing date	(day/month/year)	Priority date (day/month/year)				
PCT/JP2003/010047	07 August 2003	(07.08.2003)	21 August 2002 (21.08.2002)				
International Patent Classification (IPC) or national classification and IPC A61K 31/196, A61P 21/00							
Applicant KI	SSEI PHARMACEU	JTICAL CO., L	rd.				
This report is the international preling Authority under Article 35 and trans	 This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 						
2. This REPORT consists of a total of	4 sheets, i	ncluding this cover	sheet.				
3. This report is also accompanied by							
•	d to the International Bure	eau) a total of	sheets, as follows:				
and/or sheets cor	sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).						
sheets which sup beyond the discl Supplemental Bo	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the						
	anal Burgay only) a to	otal of (indicate t	ype and number of electronic carrier(s)) ing and/or tables related thereto, in computer				
readable form only, as i	indicated in the Suppleme	ental Box Relating	to Sequence Listing (see Section 802 of the				
4. This report contains indications rel	ating to the following iten	ns:					
Box No. I Basis of the	report						
Box No. II Priority							
Box No. III Non-establis	hment of opinion with reg	gard to novelty, inve	entive step and industrial applicability				
Box No. IV Lack of unit	y of invention						
Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement							
Box No. VI Certain docu	• •						
1 =	cts in the international ap	plication	·				
Box No. VIII Certain observations on the international application							
Date of submission of the demand		Date of completion	n of this report				
05 March 2004 (05.0)	3,2004))1 July 2004 (01.07.2004)				
Name and mailing address of the IPEA/JF		Authorized officer					
Facsimile No.		Telephone No.					



application No. Interna PCT/JP2003/010047

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under his item. This report is based on translation from the original language into the following language which is language of a translation form the original language into the following language which is language of a translation furnished for the purpose of: international search (under Rules 12.4) publication of the international application (under Rules 12.4) international application application (under Rules 55.2 and/or 55.3) 2. With regard to the elements of the international application, this report is based on (replacement sheats which have been furnished to the receiving Office to response to an invitation under Article 14 are referred to in this report as "originally filed" and or not annuated to this report): The international application as originally filed/furnished the description: pages	Box No. I	Basis of the report	
which is language of a translation furnished for the purpose of: international search (under Rules 12.3 and 23.1(b)) publication of the international application (under Rules 12.4) international preliminary examination (under Rules 55.2 and/or 55.3) 2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report). The international application as originally filed/furnished the description: pages	otherw	se indicated under this item.	ì
publication of the international application (under Rule 12.4) international preliminary examination (under Rules 55.2 and/or 55.3) With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report): The international application as originally filed/furnished the description: pages		This report is based on translations from the original language into the follow which is language of a translation furnished for the purpose of:	ng language,
international preliminary examination (under Rules 55.2 and/or 55.3) 2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not amexed to this report): The international application as originally filed/furnished		international search (under Rules 12.3 and 23.1(b))	
2. With regard to the elements of the international application, this report is based on (replacement sheats which have been furnished to the receiving (f)fice in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not amusced to this report): The international application as originally filed/furnished the description: pages pages* received by this Authority on pages* pages*		publication of the international application (under Rule 12.4)	
furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report: The international application as originally filed/furnished the description: pagess	}	international preliminary examination (under Rules 55.2 and/or 55.3)	
furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report: The international application as originally filed/furnished the description: pagess			
the description: pages* pages pages* pages* pages pages* pages pages* pages pages* pages pages pages* pages pa	furnisi and ar	ed to the receiving Office in response to an invitation under Article 14 are reje 2 not annexed to this report):	n (replacement sheets which have been rred to in this report as "originally filed"
pages			
pages* received by this Authority on pagess*		-	, as originally filed/furnished
the claims: pages pages* pages]	1 11 11: 4 1: 4 1: 4 1: 4 1: 4 1: 4 1:	
the claims: pages		. 11 11 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	
pages*	\		
pages*			, as originally filed/furnished
pages* received by this Authority on pages* received by this Authority on received by this Authority on received by this Authority on pages pages received by this Authority on received by this Authority on received by this Authority on a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing. 3. The amendments have resulted in the cancellation of:	\ .		
pages* received by this Authority on the drawings: pages pages* received by this Authority on pages* pages* received by this Authority on pages* a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing. 3. The amendments have resulted in the cancellation of: the description, pages the claims, Nos. the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify): This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). the description, pages the claims, Nos. the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):		pages	
the drawings: pages pages* pages* received by this Authority on a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing. The amendments have resulted in the cancellation of: the description, pages the claims, Nos. the drawings, sheets/figs any table(s) related to sequence listing (specify): any table(s) related to sequence do beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(e)). the drawings, sheets/figs the description, pages the claims, Nos. the drawings, sheets/figs the description, pages the claims, Nos. the drawings, sheets/figs the drawings, sheets/figs the drawings, sheets/figs the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify): any table(s) related to sequence listing (specify):		1 1 11 A	
pages	1 —		
pages*	1 4	_	, as originally filed/furnished
received by this Authority on a sequence listing and/or any related table(s) — see Supplemental Box Relating to Sequence Listing. The amendments have resulted in the cancellation of: the description, pages			
The amendments have resulted in the cancellation of: the description, pages the claims, Nos the drawings, sheets/figs any table(s) related to sequence listing (specify): This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). the description, pages the claims, Nos the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):		and her thin Authority of	
The amendments have resulted in the cancellation of: the description, pages the claims, Nos the drawings, sheets/figs any table(s) related to sequence listing (specify): This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). the description, pages the claims, Nos the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):		a sequence listing and/or any related table(s) – see Supplemental Box Relating t	Sequence Listing.
the description, pages the claims, Nos the sequence listing (specify): any table(s) related to sequence listing (specify): This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)) the description, pages the claims, Nos the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):		a sequence fishing made any related mostly	
the description, pages the claims, Nos the sequence listing (specify): any table(s) related to sequence listing (specify): This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)) the description, pages the claims, Nos the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):		to the standard of	
the claims, Nos. the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify): any table(s) related to sequence listing (specify): This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). the description, pages the claims, Nos. the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):	3.	The amendments have resulted in the cancellation or:	
the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify): 4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)) the description, pages the claims, Nos the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):		the description, pages	-
the sequence listing (specify): any table(s) related to sequence listing (specify): This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). the description, pages the claims, Nos. the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):		the claims, Nos.	_
any table(s) related to sequence listing (specify):	1	the drawings, sheets/figs	_
This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). the description, pages the claims, Nos the drawings, sheets/figs any table(s) related to sequence listing (specify):		the sequence listing (specify):	_
made, since they have been considered to go beyond the disclosure as fitted, as indicated in the original fitted (Rule 70.2(c)). the description, pages		any table(s) related to sequence listing (specify):	_
made, since they have been considered to go beyond the disclosure as fitted, as indicated in the original fitted (Rule 70.2(c)). the description, pages			
* If item 4 applies, some or all of those sheets may be marked "superseded."	4.	made, since they have been considered to go beyond the disclosure as the (Rule 70.2(c)). the description, pages the claims, Nos the drawings, sheets/figs the sequence listing (specify):	
* If item 4 applies, some or all of those sheets may be marked "superseded."	l l		
	* If it	om 4 applies, some or all of those sheets may be marked "superseded."	

International application No.	•
г/ЈР03/10047	

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	
The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrial applicable have not been examined in respect of:	ılly
the entire international application.	
Claims Nos	
because:	
the said international application, or the said claims Nos. 12-19, 21-24 relate to the following subject matter which does not require an international preliminary examination (specify):	-
The subject matter of claims 12-19 and 21-24 pertains to a treatment method for the human body by therapy, and relates to subject matter that does not require the International Preliminary Examination Authority to perform an international preliminary examination in accordance with PCT Article 34, (4) (a) (i) and PCT Rule 67.1, (iv).	
$\hat{\mathbf{I}}$.	
\cdot	
the description, claims or drawings (indicate particular elements below) or said claims Nosare so unclear that no meaningful opinion could be formed (specify):	_
ϵ	
·	
the claims, or said claims Nos are so inadequately support	ted
by the description that no meaningful opinion could be formed.	
no international search report has been established for said claims Nos	- ·
the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:	
the written form has not been furnished	
does not comply with the standard	
the computer readable form has not been furnished	
does not comply with the standard	
the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not compute the technical requirements provided for in Annex C-bis of the Administrative Instructions.	ly v
see Supplemental Box for further details.	

Box No. V	Reasoned statement under Article 35(2) with regard to	novelty, inventive step or industrial applicability,
	citations and explanations supporting such statement	

Statement Novelty (N)	Claims	1-11, 20	YES
Moverty (14)	Claims		МО
Inventive step (IS)	Claims	1-11, 20	· YES
шүскиче жер (хо)	Claims		NO NO
Industrial applicability (IA)	Claims	1-11, 20	YES
industrial applications, (21-)	Claims		NO NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 5-163222 A (Kissei Pharmaceutical Co., Ltd.), June 29, 1993

Document 2: JP 59-70654 A (Lederle (Japan), Ltd.), April 21, 1984

<Claims 1-11, 20>

None of the documents cited in the ISR discloses the inventions relating to claims 1-11 and 20, and these inventions appear to be novel and to involve an inventive step.

In particular, a preventive therapeutic composition for muscular fatigue, pulled muscles and diseases arising therefrom having N-(3, 4 dimethoxycinnamoyl) anthranilic acid as active ingredient is not disclosed in documents 1-2, which are found to be the most relevant prior art documents.